THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 4904 of 2007

12-03-2007

Between:-

Sri Swamy Ware House,
S. Uppalapadu village,
Jammalamadugu Mandal,
Kadapa district rep., by its
Managing Partner K. Shiva Sankar Reddy
Kothapalli, Peddamudiam Mandal,
Kadapa district.

Petitioner

And

The District Collector (Civil Supplies),
Kadapa, Kadapa district and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 4904 of 2007

Oral order:

A huge quantity of 5194 quintals of Bengal Gram were found in the petitioner's godown on an inspection by the Civil Supplies Enforcement Unit, Tirupathi on 20-02-2007. The stocks were seized under a mediator's report on an allegation that the petitioner was carrying on business and had purchased and stored the scheduled commodities without a license under the provisions of the Andhra Pradesh Scheduled Commodities Dealers (Licensing and Distribution) Order, 1982 (for short 'the Control Order'), which is in force.

By the impugned order dated 01-03-2007, the first respondent ordered interim disposal of the seized commodities in purported exercise of power and authority

under Section 6A (2) of the Essential Commodities Act, 1955 (for short 'the Act'). The first respondent has failed to record the requisite satisfaction and opinion as mandated by the provisions of Section 6A (2) of the Act.

A similar issue came to be considered by this court and the principles have been laid down in the judgment dated 27-02-2007, in W.P.No. 3761 of 2007.

For reasons alike, as recorded in W.P.No. 3761 of 2007 dated 27-02-2007, the first respondent's order dated 20-02-2007 is set aside. The first respondent is however at liberty to pass a fresh order in accordance with law and the principles and observations recorded in W.P.No. 3761 of 2007. Till a fresh order is passed in accordance with law, the first respondent shall not direct interim disposal of the seized commodities.

The writ petition is allowed as above, at the stage of admission after hearing the learned Government Pleader for Civil Supplies. No costs.

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GODA RAGHURAM, J

Dated:12-03-2007
Pvks/*

Nb: Furnish c.c. in three days.
B/o pvks/*